

statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

§ 200.735-120 Information prohibited.

An employee is not required to submit in a statement of employment and financial interests or supplementary statement any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from, or contracts with, the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 200.735-121 Confidentiality of employees' statements.

Each statement of employment and financial interests, and each supplementary statement, shall be held in confidence. To ensure this confidentiality, the Deputy Counselor is authorized to review and retain the statements. He shall be responsible for maintaining the statements in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of this part. The Deputy Counselor may not disclose information from the statement except as the Civil Service Commission or the Chairman of the Tariff Commission may determine for good cause shown.

[32 F.R. 16211, Nov. 28, 1967]

§ 200.735-122 Special Government employees.

(a) Except as provided in paragraph (b) of this section, each special Government employee shall submit a statement of employment and financial interests which reports:

(1) All of his employment; and
(2) The financial interests of the special Government employee which the Commission determines are relevant in the light of the duties he is to perform.

(b) The Commission may waive the requirement in paragraph (a) of this section for the submission of a statement of employment and financial interests in the case of a special Government em-

ployee who is not a consultant or an expert when the Commission finds that the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government. For the purpose of this paragraph, "consultant" and "expert" have the meanings given those terms by Chapter 304 of the Federal Personnel Manual.

(c) A statement of employment and financial interests required to be submitted under this section shall be submitted as provided for employees in § 200.735-116. Each special Government employee shall keep his statement current throughout his employment with the Commission by the submission of supplementary statements.

[31 F.R. 2593, Feb. 10, 1966, as amended at 32 F.R. 16211, Nov. 28, 1967]

§ 200.735-123 Effect of employees' and special Government employees' statements on other requirements.

The statements of employment and financial interests and supplementary statements required of employees and special Government employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee or special Government employee does not permit him or any other person to participate in a matter which his or the other person's participation in is prohibited by law, order, or regulation.

PART 201—RULES OF GENERAL APPLICATION

Sec.

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201.16 Service of process.

AUTHORITY: The provisions of this Part 201 issued under sec. 335, 72 Stat. 680, sec. 401, 76 Stat. 902; 19 U.S.C. 1335, 1802.

SOURCE: The provisions of this Part 201 appear at 27 F.R. 12118, Dec. 7, 1962, unless otherwise noted.

§ 201.1 Applicability of part.

This Part 201 relates generally to functions and activities of the Commission under various statutes and other legal authority. Rules having special application appear separately in Parts 202 to 207, inclusive, of this chapter. In case of inconsistency between a rule of general application and a rule of special application, the latter is controlling.

Subpart A—Miscellaneous

§ 201.2 Definitions.

As used in this chapter:

(a) "Commission" means the United States Tariff Commission;

(b) "Tariff Act" means the Tariff Act of 1930, as amended (19 U.S.C. 1001, et seq.);

(c) "Trade Expansion Act" means the Trade Expansion Act of 1962 (Public Law 87-794, 76 Stat. 872; 19 U.S.C. 1801, et seq.);

(d) "Antidumping Act" means the Antidumping Act, 1921, as amended (42 Stat. 11, 68 Stat. 1138, 72 Stat. 583; 19 U.S.C. 160, et seq.).

§ 201.3 Commission offices, mailing address, and hours.

(a) *Offices.* The principal office of the Commission is located in the Tariff Commission Building on E Street between 7th and 8th Streets NW., Washington, D.C. A branch office of the Commission is maintained in the Customhouse, New York City.

(b) *Mailing address.* All communications to the Commission should be addressed to the "Secretary, U.S. Tariff Commission, Washington 25, D.C."

(c) *Hours.* The hours of the Commission are from 8:45 a.m. to 5:15 p.m., eastern standard or daylight saving time, whichever is in effect where the offices are located.

§ 201.4 Performance of functions.

(a) *Conduct of business.* A majority of the members of the Commission constitutes a quorum. The Commission may meet and exercise its powers at any place, and may, by one or more of its members, or by such agents as it may designate, prosecute any inquiry necessary to its duties in any part of the United States or in any foreign country.

(b) *Alteration or waiver of rules.* Rules in this chapter may be amended, waived, suspended, or revoked by the Commission only. A rule may be waived or suspended only when in the judgment of the Commission there is good and sufficient reason therefor, provided the rule is not a matter of procedure required by law.

(c) *Authority to make decisions.* Authority to interpret the Commission's rules and the laws applying to the Commission, and to make findings, determinations, or other decisions not relating to matters of internal management, is retained in the Commission itself and is not delegated.

§ 201.5 Disclosure of information.

(a) *Material available to the public.* The following information and reports (except confidential business data as defined in § 201.6) may be inspected by persons concerned, on request to the Secretary of the Commission, either in the Washington office or in the New York City office of the Commission: (1) Applications, petitions, and other formal documents filed with the Commission, (2) notices to the public concerning Commission matters, (3) transcripts of testimony taken and exhibits submitted at hearings, (4) reports to the President, to either or both Houses of Congress, or to Committees of Congress, release of which has been authorized by the President or the legislative body concerned, (5) reports and other documents issued for general distribution.

(b) *Material not available to the public.* Reports to the President, to either or both Houses of Congress, or to Committees of Congress, the release of which has not been authorized by the President or the legislative body concerned, and confidential business data as defined in § 201.6, are not available to the public.

§ 201.6 Confidential business data.

(a) *Definition.* Confidential business data consist of any information which concerns or relates to the trade secrets,

processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association, the disclosure of which is not authorized by law or by the party furnishing such information.

(b) *Identification of information submitted in confidence.* Business data which it is desired shall be treated as confidential shall be submitted on separate sheets each clearly marked at the top "Business Confidential". When submitted at public hearings such business data shall be offered as a confidential exhibit with a brief description of the nature of the information.

(c) *Acceptance of information in confidence.* The Commission may refuse to accept in confidence any information which it determines is not entitled to confidential treatment. In the event of such refusal, the person submitting such information will be notified thereof with a statement of the reasons and (if the information was submitted voluntarily) will be permitted to withdraw its tender.

Subpart B—Initiation and Conduct of Investigations

§ 201.7 Initiation of investigations.

Investigations may be initiated by the Commission on the Commission's own motion, upon request of the President, upon resolution of the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate, upon resolution of either branch of Congress, or upon application, petition, complaint, or request of private parties, as required or provided for in the pertinent statute, Presidential proclamation, Executive Order, or in this chapter.

§ 201.8 Filing of documents.

(a) *Where to file; date of filing.* Documents shall be filed at the office of the Secretary of the Commission in Washington, D.C. Such documents, if properly filed, will be deemed to be filed on the date on which they are actually received in the Commission.

(b) *Conformity with rules.* No document aiming at the initiation of any investigation by the Commission shall be considered properly filed unless it conforms with the pertinent rules prescribed in this chapter. Substantial compliance with the pertinent rules may be accepted

by the Commission provided good and sufficient reason is stated in the document for inability to comply fully with the pertinent rules.

(c) *Specifications for documents.* All documents filed under this chapter shall be on paper not larger than 8½ by 11 inches in size, except that tables, charts, and similar material may be larger but folded (if practicable) to the size of the document to which attached. The left margin shall be at least 1½ inches wide, and if the document is bound it shall be bound on the left side. Documents may be reproduced by printing or any other process, provided all copies are clear and legible.

(d) *Number of copies.* A signed original and nineteen (19) true copies of each document shall be filed. The name of the person signing the original shall be typewritten or otherwise reproduced on each copy.

(e) *Identification of party filing document.* Every document filed with the Commission for the purpose of initiating any investigation shall show on the first page thereof the name and address of the party or parties by whom, or on whose behalf the document is filed and shall be signed by the party filing the document or by a duly authorized officer, attorney, or agent of such party. (Also, any attorney or agent filing the document shall give his address.) The signature of the person signing such a document constitutes a certification that he has read the document, that to the best of his knowledge and belief the statements contained therein are true, and that the person signing the document was duly authorized to sign it.

§ 201.9 Methods employed in obtaining information.

In obtaining information necessary to carry out its functions and duties, the Commission may employ any means authorized by law. In general, the Commission obtains pertinent information from its own files, from other agencies of the Government, through questionnaires and correspondence, through field work by members of the Commission's staff, and from testimony and other evidence presented at the hearings.

§ 201.10 Public notices.

Formal notice of the receipt of documents properly filed, of the institution of investigations, of public hearings, and, as required or appropriate, of other formal actions of the Commission, will

be given by publication in the **FEDERAL REGISTER**. In addition to such formal notice, a copy of each notice will be posted at the office of the Secretary of the Commission in Washington, D.C., and at the Commission's office in New York City, and copies will be sent to press associations, to trade and similar organizations of producers and importers, and to others known to the Commission to have an interest in the subject matter. An announcement regarding the notice will be furnished to the Treasury Department for publication in *Treasury Decisions* and to the Department of Commerce for publication in *International Commerce*.

§ 201.11 Public hearings.

(a) *When held.* Public hearings are held by the Commission when required by law or, if not required by law, when in the judgment of the Commission there is good and sufficient reason therefor.

(b) *Time and place.* Public hearings will be held at the time and place specified in notices issued under § 201.10. Public hearings are ordinarily held in the Hearing Room of the Tariff Commission Building, in Washington, D.C., but may be held elsewhere in the Commission's discretion.

(c) *Hearing as part of investigation.* A hearing held in connection with an investigation is a part of the investigation. The Commission's determination or other action is based not only upon testimony and other evidence adduced at the hearing, but also on such information as the Commission obtains through other means indicated in § 201.9.

§ 201.12 Conduct of hearings.

(a) *Participation by Commission.* Unless otherwise ordered by the Commission in connection with a particular investigation, public hearings will be conducted by one or more Commissioners; but in all cases the transcript of the testimony at a hearing will be presented for the consideration of the Commission.

(b) *Order of testimony.* Unless otherwise ordered by the Commission, witnesses will give testimony in the order designated by the Secretary of the Commission. Each witness, after being duly sworn, will be permitted to proceed with his testimony without interruption, except by members of the Commission. After completing his testimony, a witness may be questioned by any member

of the Commission or by an agent designated by the Commission. Any person who has entered an appearance in accordance with § 201.13 may, with the permission of the Commission, direct questions to the witness, but only for the purpose of assisting the Commission in obtaining relevant and material facts with respect to the subject matter of the investigation.

(c) *Certification of testimony.* Evidence, oral or written, submitted at hearings, will upon order of the Commission be subject to verification from books, papers, and records of the parties submitting the evidence and from any other available sources.

(d) *Oral argument.* When, in the opinion of the Commission, time permits and the nature of the proceedings and the complexity or importance of the questions of fact or law involve warrant, the Commission may allow oral argument after conclusion of the testimony in a hearing. The Commission will determine in each instance the time to be allowed for argument and the allocation thereof.

(e) *Briefs.* Briefs of the evidence produced at the hearing and arguments thereon may be presented to the Commission by parties interested who have entered an appearance. Unless otherwise ordered, twenty (20) clear copies shall be filed with the Secretary of the Commission. Time to be allowed for submission of briefs will be set after conclusion of testimony and oral argument, if any.

(f) *Hearing transcripts.* All hearings are stenographically reported. The Commission does not distribute transcripts of the records of such hearings. Parties interested may inspect them at the Commission's office in Washington, D.C., or purchase them from the official reporter.

§ 201.13 Appearances.

(a) *Who may enter an appearance.* Any person showing to the satisfaction of the Commission a proper interest in the subject matter of an investigation may enter an appearance in such investigation, either in person or by representative, for the purpose of appearing at a public hearing. Witnesses in behalf of persons entering an appearance need not enter appearances separately.

(b) *Requests to appear.* Requests to enter appearances shall be filed in writ-

ing with the Secretary of the Commission at its office in Washington, D.C., or at any other place where a hearing is held. Unless otherwise ordered, requests shall be filed at least three (3) days in advance of the date set for hearing. Attorneys or agents desiring to appear for any interested person or persons shall file written notice to that effect.

§ 201.14 Additional hearings, postponements, continuances, and extensions of time.

Prior to its final determination in any investigation, the Commission may in its discretion for good cause shown grant additional hearings, postponements or continuances of hearings, or extend the time for performing any act required by or pursuant to the rules contained in this chapter. Motions or requests for postponements or extensions of time must be filed at least ten (10) days in advance of the time otherwise prescribed. The Commission may on its own motion order such additional hearings, postponements, or continuances of hearings as it may deem necessary for a full presentation of the facts in any investigation.

§ 201.15 Attorneys or agents.

(a) *In general.* No register of attorneys or agents who may practice before the Commission is maintained. No application for admission to practice is required. Any person desiring to appear as attorney or agent before the Commission may be required to show to the satisfaction of the Commission his acceptability in that capacity. Any attorney or agent practicing before the Commission, or desiring so to practice, may for good cause shown be suspended or barred from practicing before the Commission, but only after he has been accorded an opportunity to be heard in the matter.

(b) *Former officers or employees.* No former officer or employee of the Commission who personally and substantially participated in a matter which was pending in any manner or form in the Commission during his employment shall be eligible to appear before the Commission as attorney or agent in connection with such matter. No former officer or employee of the Commission shall be eligible to appear as attorney or agent before the Commission in connection with any matter which was pending in any manner or form in the Commission

during his employment, unless he first obtains written consent from the Commission.

§ 201.16 Service of process.

(a) *Certified or registered mail.* Except when service by another method shall be specifically ordered by the Commission, the service of a process of the Commission shall be effected by delivery of a copy of the document by certified or registered mail, return receipt requested, to the person to be served, to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served. Complaints, briefs, and findings referred to in Part 203 of this chapter will be served similarly.

(b) *Personal delivery.* When service cannot be accomplished by certified or registered mail, or whenever the Commission shall so direct, a process of the Commission may be served by anyone duly authorized by the Commission (1) by delivering a copy of the document to the person to be served, to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (2) by leaving a copy thereof at the principal office of such person, partnership, or corporation.

(c) *Proof of service.* The return post office receipt for such process, certified or registered and mailed as aforesaid, or the verified return by the person serving such process, setting forth the manner of said service, shall be proof of service of the document.

PART 202—INVESTIGATIONS OF COSTS OF PRODUCTION

Sec.

- 202.1 Applicability of part.
- 202.2 Applications.
- 202.3 Preliminary inquiry.
- 202.4 Public hearing.
- 202.5 Type of information to be developed at hearing.
- 202.6 Reports.

AUTHORITY: The provisions of this Part 202 issued under sec. 335, 72 Stat. 680; 19 U.S.C. 1335.

SOURCE: The provisions of this Part 202 appear at 27 F.R. 12120, Dec. 7, 1962, unless otherwise noted.

§ 202.1 Applicability of part.

This Part 202 applies specifically to investigations under section 336 of the